

<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/628,744	SUENAGA, YUTAKA	
	Examiner Alan A. Mathews	Art Unit 2851	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTO-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to communication filed 2-9-2004.
2.  The allowed claim(s) is/are 1-8 and 10-140.
3.  The drawings filed on 30 July 2003 are accepted by the Examiner.
4.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All
  - b)  Some\*
  - c)  None
 of the:
  1.  Certified copies of the priority documents have been received.
  2.  Certified copies of the priority documents have been received in Application No. 10/006,667.
  3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6.  CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
  - (a)  including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1)  hereto or 2)  to Paper No./Mail Date \_\_\_\_\_.
  - (b)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of
   
Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

#### Attachment(s)

1.  Notice of References Cited (PTO-892)
2.  Notice of Draftsperson's Patent Drawing Review (PTO-948)
3.  Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date 2/04
4.  Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5.  Notice of Informal Patent Application (PTO-152)
6.  Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_.
7.  Examiner's Amendment/Comment
8.  Examiner's Statement of Reasons for Allowance
9.  Other \_\_\_\_\_.

Alan A. Mathews  
Primary Examiner  
Art Unit: 2851

**EXAMINER'S COMMENT**

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after allowance or after an Office action under *Ex Parte Quayle*, 25 USPQ 74, 453 O.G. 213 (Comm'r Pat. 1935). Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, prosecution in this application has been reopened pursuant to 37 CFR 1.114.

Applicant's submission filed on February 9, 2004, has been entered.

**REASONS FOR ALLOWANCE**

2. The following is an examiner's statement of reasons for allowance:

The prior art of record does not disclose or suggest an image side numerical aperture that is greater or equal to 0.75, and a distance D in mm along an optical axis between an optical surface closest to the second object, and the second object, satisfies a condition of  $0.1 < D < 5$ , and five optical groups having powers (negative, positive, negative, positive, positive), in combination with all the other elements recited in independent claim 1.

The prior art of record does not disclose or suggest an image side numerical aperture that is greater or equal to 0.75, and a distance D in mm along an optical axis between an

optical surface closest to the second object, and the second object, satisfies a condition of  $0.1 < D < 5$ , and five optical groups having powers (negative, positive, negative, positive, positive), and a flow device between the optical surface closest to the second surface and the substrate, and which forms a predetermined flow of fluid in the optical path between the optical surface closest to the second surface and the photosensitive substrate in combination with all the other elements recited in independent claim 75.

The prior art of record does not disclose or suggest an exposure method wherein the image side numerical aperture that is greater or equal to 0.75, and a distance D in mm along an optical axis between an optical surface closest to the second object, and the second object, satisfies a condition of  $0.1 < D < 5$ , and five lens groups having powers (negative, positive, negative, positive, positive), and including the step of flow formation of forming a predetermined flow of fluid in an optimal path between the optical surface closest to the second surface and the photosensitive substrate combination with all the other steps recited in independent claim 90.

The prior art of record does not disclose or suggest five lens groups having powers (negative, positive, negative, positive, positive), and wherein the optical path between the fifth lens group and the second surface is filled with a liquid, and wherein a diameter of light beam which passes the projection optical system is a relative maximum in a region between the fourth lens group and the fifth lens groups in combination with all the other elements recited in independent claim 105.

3. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alan A. Mathews whose telephone number is (571) 272-2123. The examiner can normally be reached on Monday through Friday from 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Lefkowitz can be reached on (571) 272-2180. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*Alan A. Mathews*  
Alan A. Mathews  
Primary Examiner  
Art Unit 2851

AAM